

REMARKS

With this Response, no claims are amended or added. Applicants respectfully request that claims 26-31 be canceled without prejudice. Therefore, claims 1-25 and 32-35 are pending.

CLAIM OBJECTIONS

Claims 26-31 were objected to for reciting "objects," which was suggested to be replaced by "software objects" for consistency with other claim sets. However, Applicants have elected to cancel these claims herein, rendering the objection moot.

CLAIM REJECTIONS - 35 U.S.C. § 112

Claims 26-31 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More particularly, the Office Action at page 4 asserts that the specification fails to disclose a changes monitor accessing a compatibility database after a change has been detected. Without conceding the assertion in the Office Action, Applicants submit that the rejection is moot in light of cancellation of these claims herein.

CLAIM REJECTIONS - 35 U.S.C. § 101

Claims 26-31 were rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Without conceding the assertion in the Office Action, Applicants submit that the rejection is moot in light of cancellation of these claims herein.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1-4, 6-20, 22-27, and 29-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,519,767 of Carter et al. (hereinafter "Carter"). Claims 26-31 are canceled herein, rendering rejection of these claims moot. Applicants submit that the remaining claims are patentable over the cited reference for at least the following reasons.

Claims 1, 6, 22, and 32 are the pending independent claims, and each recite limitations directed to compatibility of software objects shared between two subsystems. As one example, claim 1 as amended herein recites the following:

automatically detecting **a change introduced into a software object** of a first software subsystem, wherein the software object is used by software objects of a second software subsystem;

determining whether the change is compatible with the software objects of the second software subsystem; and
implementing the introduced change to generate an updated software object if the change is compatible with the software objects of the second software subsystem without introducing any changes into the software objects of the second software subsystem; otherwise,
rejecting the introduced change and generating an error notification.

As mentioned above, the remaining independent claims similarly recite limitations directed to identifying a change of a software object of a first software subsystem used by a second software subsystem, and determining compatibility of the change with the second software subsystem.

The Final Office Action at pages 25-26 asserts that the object servers of the Carter reference disclose the software objects as recited. Applicants note that Carter discusses the compatibility of an object server with a previous version of the same object server. Without conceding that Carter's application servers are the same as the objects recited in the independent claims, Applicants submit that the rejection is defective. The Final Office Action fails to make any assertion that objects of different subsystems are disclosed in the cited reference. Applicants submit that an interpretation of the reference as disclosing what is claimed is not supported by the reference.

The Carter reference is concerned with the **compatibility of changes to the interfaces of the application servers**. See, e.g., col. 1, line 64 to col. 2, line 23. Note that compatibility of the interfaces is essential in the Carter reference to make sure that the object servers (applications) are compatible with other applications. Applicants submit that **an application** cannot reasonably be understood as a software object as recited in Applicants' claims.

The Final Office Action at page 26 asserts that because the object server is an "executable file," it is a program, and thus a software object. Applicants disagree. The line of reasoning in the Final Office Action is contrary to what would be understood by one of skill in the art, and is therefore an unreasonably broad interpretation. The Final Office Action makes reference to paragraph [0017] of Applicants' Description, which states: "The term 'object', as used herein, means a software object including, but not limited to, function modules, programs, data objects, classes, class components, attributes, etc." Thus, Applicants' disclosure refers to an object as a "program." As a first matter, an application may be referred to in some cases as a "program." However, a program is not necessarily an application. Thus, the expression program does not inherently include applications. Quite the contrary as used in paragraph [0017]. While the term

program may include an application in some contexts, in the context of a sentence describing software objects, one of skill in the art would not include applications. Furthermore, in more detailed context referring to "classes, class components, [and] attributes," one of skill in the art would not understand a program to include an application. In the context of paragraph [0017], the term program would be understood by those of skill in the art to be something similar to a "function module," which may include a routine or subroutine callable in an application to perform a certain function, algorithm, method, etc. Thus, a function module or a program may be included within an application. However, no reasonable interpretation of a program here would include the applications of the Carter reference. Thus, the reasoning of the Final Office Action is not logical, and the application of the Carter reference to the claims is misplaced.

As understood from the reference itself, Carter defines incompatibility such that an update or modification to an **object server** causes the object server to **not support the same interfaces** as its predecessor object server. See col. 3, lines 29 to 41. The "preferred embodiment" of the so-called "compatibility analyzer" as described at col. 13, line 47 to col. 14, line 16 state: "In the preferred embodiment, version compatibility analyzer 70 performs this comparison by comparing the type information of each class in new object server 64 to the type information of [an] identically named class in existing object server's type library 150." Applicants note the significant absence of any detecting of a change to a **software object**, in contrast to what is recited in Applicants' claims. As appears from the cited reference, Carter fails to consider changes at all to a software object, and is rather concerned with changes to interfaces **applications** (specifically, the object servers). Applicants thus submit that the claimed invention includes at least one feature not disclosed or suggested in the cited reference. Accordingly, the cited reference fails to support an anticipation under MPEP § 2131 of the independent claims.

The dependent claims necessarily include the limitations of the independent claims from which they depend. Therefore, the dependent claims are necessarily patentable over the cited reference for at least the reasons set forth above with respect to the independent claims. Applicants therefore respectfully request that the rejection of these claims be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 5, 21, 28, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carter in view of U.S. Patent No. 6,658,659 of Hiller et al. (hereinafter "Hiller"). Applicants

respectfully submit that the remaining claims are patentable over the cited references for at least the following reasons.

These claims depend from the independent claims discussed above. As per pages 20-23 of the Final Office Action, the rejection of these claims is based upon the rejection of claims discussed above. As set forth above, the Carter reference fails to support the rejection of the claims from which these claims depend. The Hiller reference is not cited as curing the deficiencies of the Carter reference set forth above. As Applicants have understood the cited reference, Hiller fails to cure the deficiencies of Carter. As Applicants have understood the reference, Hiller discusses determining whether to load software modules that are compatible with one another, and fails to disclose or suggest identifying a change of a software object of a first software subsystem used by a second software subsystem, and determining compatibility of the change with the second software subsystem, in contrast to what is recited in Applicants' claims. Thus, whether alone or in combination, the cited references fail to disclose or suggest at least one feature of the claimed invention, and so fail to render either the independent claims or these claims unpatentable. Applicants therefore respectfully request that the rejection of these claims be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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I hereby certify that this correspondence is being deposited via EFS Web

On: August 1, 2007

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